

REMARKS

In the Office Action, claims 1-18 were rejected, all of which remain pending. In view of the following remarks, Applicants respectfully request that the Examiner allow all pending claims.

Applicants respectfully direct the Examiner's attention to the file history of related applications: U.S. Serial Nos. 09/976,681; 10/755,918; 10/755,997; 11/760,855; 09/907,512; 10/805,916; 10/818,099; 10/864,214; 10/843,195; 10/446,192; 10/445,863; and, 10/747,795. Each application contains related subject matter, and each application has received at least one Office Action. If the Examiner is not aware of, or has not already considered actions of these applications, Applicants would gladly provide a formal Information Disclosure Statement (IDS) containing each Office Action received; however, Applicants do not wish to burden the Examiner with the file histories if they are already being considered.

REJECTIONS UNDER 35 U.S.C. § 103

Heidari in view of Hector

Claims 1, 2, 5-8, 10-15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heidari (U.S. Patent Publication No. 2003/0159608), hereafter (Heidari), in view of Hector (U.S. Patent No. 5,804,017), hereafter (Hector), Aoyama (U.S. Patent No. 5,194,743), hereinafter (Aoyama), and Doran (U.S. Patent No. 5,716,742), hereinafter (Doran). Applicants respectfully traverse these rejections.

When determining whether a claim is obvious, a searching comparison of the claimed invention, including all of its limitations, must be made since obviousness requires a suggestion of all limitations in a claim. *See CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection, as the MPEP requires the consideration of every claim feature in an obviousness determination. *See* MPEP §2143.03.

Independent claims 1, 8 and 14 recite, *inter alia*, a piezo system coupled to the body to vary dimensions of the nanolithography template. The Office Action concedes that the primary citation to Heidari fails to teach a transparent support plate and a piezo

system. See Office Action, page 2. Nonetheless, the Office Action rejects independent claims 1, 8 and 14, contending that the secondary citation to Doran provides this necessary disclosure. See Office Action, page 3. This contention is respectfully traversed.

Doran describes a system of aligning exposure stripes by breaking alignment control into two processes. See Doran, column 9, lines 40-54. In the first process, an alignment fixture 20 with alignment detectors is mechanically aligned to a X-Y stage with a laser position transducer and piezo actuators in a closed loop servo. See Doran, column 7, lines 23-49 and FIG. 2. This first process provides the stage to make spaced moves relative the alignment fixture. See Doran, column 9, lines 25-29. In the second process, a closed loop servo is used to align an electron beam pattern to detectors on the alignment fixture. See Doran, column 8, lines 55-65. Neither process provides for piezo actuators to vary dimensions of a template but instead is directed toward small incremental movements of a stage. As such, Doran does not provide any description of coupling the piezo system to the body of a device that holds a nanolithography template as recited in the claims, or even how or why a template would be involved with the alignment fixture 20 much less having piezo actuators vary dimensions of a template.

Even further, the primary reference to Heidari expressly teaches away from using piezoelectric components. See Heidari, paragraph [0008]. As the Examiner is aware, it is improper to combine references whether the references teach away from their combination. As stated in Heidari, mechanical adjustments undertaken using special device, e.g., piezoelectric components... [are] complicated...and marred by sources of error and as such, Heidari uses application of pressure. See Heidari, paragraph [0009]. Heidari's expressly teaches away from the use of mechanical adjustments using piezoelectric components, and is thus improper to combine with Doran.

Applicants submit that neither Hector nor Aoyama add anything that would remedy the aforementioned deficiencies. In view thereof, Applicants respectfully request that the rejection of independent claims 1, 8 and 14 be withdrawn and all pending claims allowed.

Heidari in view of Hector and in further view of Semiconductor Memories

Claims 3, 4, 9 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heidari in view of Hector, Aoyama, and Doran, and in further view of Semiconductor Memories. Applicants herein incorporate by reference all arguments directed toward Heidari and Doran above. Applicants further submit that Semiconductor Memories does not add anything that would remedy the aforementioned deficiencies.

Claims 3 and 4 depend from claim 1. As claim 1 is not obvious over the prior art, claims 3 and 4 which further limit claim 1 are also not obvious.

Claim 9 depends from claim 8. As claim 8 is not obvious over the prior art, claim 9 which further limits claim 8 is also not obvious.

Claim 16 depends from claim 14. As claim 14 is not obvious over the prior art, claim 16 which further limits claim 14 is also not obvious.

In view of the above, Applicants respectfully request that the Examiner withdraw the rejections and allow all pending claims.

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the claims in the Application are now in condition for allowance, and allowance of such claims is respectfully requested. Applicants believe that no further fees are due. However, should any fees be required, the Commissioner is authorized to charge such fees to Deposit Account No. 502650.

If the Examiner has any questions or comments concerning this paper or the present Application in general, the Examiner is invited to call the undersigned.

Respectfully Submitted,

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